

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

GUADALUPE GALVAN

Case No.

A-10-m-878

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 22, 2010 in the county of TRAVIS in the
WESTERN District of TEXAS, the defendant(s) violated:

Code Section

42 USC Section 408(a)(7)(B)

Offense Description

Social Security Number Misuse

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

ANTONIO PUENTE, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/15/10City and state: AUSTIN TX


Judge's signature

ROBERT PITMAN
U.S. MAGISTRATE JUDGE
 Printed name and title

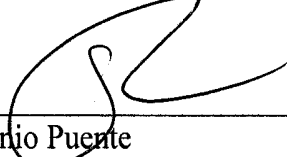
AFFIDAVIT

I, Antonio Puente, having been duly sworn, do hereby state and depose as follows:

1. I am employed as a Special Agent (SA) with the Office of the Inspector General, Office of Investigations, Social Security Administration in San Antonio, Texas. I have been so employed since 2002. In connection with my official duties, I investigate criminal violations of Title 42 of the United States Code involving fraud, waste and abuse of Social Security programs. I also investigate employee misconduct within the Social Security Administration and violations of identity theft statutes under Title 18 of the United States Code. I have received specialized training in the enforcement of these statutes. I have also testified in judicial proceedings and presented for prosecution violations of the above Titles.
2. Based on information provided in this affidavit, I believe there is probable cause to support a finding that Guadalupe Galvan (hereafter referred to as GALVAN) has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B). Except as explicitly set forth below, I have not, in this affidavit, distinguished between the facts of which I have personal knowledge and facts as to which I have hearsay knowledge. I have not set forth each and every fact learned during the course of this investigation, but simply those facts which I believe are necessary to establish probable cause for issuance of an arrest warrant.
3. On October 27, 2010, during the course of an investigation conducted by the Pflugerville Police Department (PPD), PPD Assistant Chief Jim Mclean informed me that the PPD identified approximately twenty-eight individuals who had obtained employment at the Pflugerville Nursing Home and Rehab Center (PNHRC) located in Pflugerville, TX within the Western District of Texas; using false or fictitious documents including Social Security Cards and Resident Alien Cards. PPD Assistant Chief Mclean further informed that GALVAN was one of the twenty-eight individuals that had obtained employment with the PNHRC. I was provided copies of the documents GALVAN provided when applying for employment. A review of these documents revealed that as a part of the application process, GALVAN provided two forms of identification including a Social Security Card (XXX-XX-3421) and Matricula Consular Mexico identification Card.
4. On November 11, 2010, I also received Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) and Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4); both documents were completed, signed, and dated by GALVAN on January 22, 2010. A review of these documents revealed that GALVAN provided the same SSN (XXX-XX-3421) on both these forms, claiming that the Commissioner of the Social Security Administration issued the SSN to him. Further review of the documents revealed that the PNHRC made a photocopy of the Social Security Card GALVAN provided with

the name Guadalupe GALVAN and SSAN XXX-XX-3421 as evidence that the SSAN was issued to him. Upon further review of this photocopy it appears that, the Social Security Card is a fictitious or counterfeit Social Security Card.

5. On November 12, 2010, I conducted Social Security Administration systems searches for the above referenced SSAN. I discovered that the SSAN was an invalid number having never been issued by the by the Commissioner of the Social Security Administration.
6. GALVAN fraudulently used SSN XXX-XX-3421 by providing false information on Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) and Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4) while completing an application for employment with the Pflugerville Nursing Home and Rehab Center.
7. On January 22, 2010, GALVAN did willfully, knowingly and with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B).
8. Based on the forgoing, I submit that sufficient probable cause exists to believe that Guadalupe GALVAN has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B).



Antonio Puente
Special Agent
Social Security Administration
Office of the Inspector General
Office of Investigations

Sworn to before me and subscribed in my presence.



U.S. Magistrate Judge